

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

UMANA *et al.*

Appl. No.: 10/633,697

Filed: August 5, 2003

For: **Glycosylation Engineering of
Antibodies for Improving
Antibody-Dependent Cellular
Cytotoxicity**

Confirmation No.: 5455

Art Unit: 1636

Examiner: GUZO, David

Atty. Docket: 1975.0010005/TJS/T-M

Second Supplemental Information Disclosure Statement

Under 37 C.F.R. § 1.97(b)

Mail Stop RCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on August 21, 2006 in connection with the above-captioned application. Copies of documents **AL2** to **AP2** and **AR55** to **AS62** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, documents **AA2** to **AE2**, cited on the attached IDS Form PTO/SB/08A are not submitted.

Document **AL2**, EP 0 475 354 A2, was cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided as document **AT60** in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related co-pending U.S. Patent Application No. 10/437,388, Umana *et al.*, filed May 14, 2003, as Documents **AR61** and **AS61**; and

the related co-pending U.S. Patent Application No. 10/633,699, Umana *et al.*, filed August 5, 2003, as Documents **AT61** to **AS62**;

which are directed to related technical subject matter. The identification of these Office Actions is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the Office Actions.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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